

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 08-670**

Appellant(s): Frank Santangelo

vz. Appellee(s): City/Town of Somerville  
Al Bargoot

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 1028.1, for 133 Holland Street, Somerville, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*.


**Discussion**

A motion was made to grant the Appellant's request for a variance from 780 CMR 1028.1, based on the fact that there are two other egresses, the wheel chair lift to be installed is a replacement, and that the building official has no objection to the granting of the variance (email from Paul Nonni dated December 3, 2008). There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance from 780 CMR 1028.1, is hereby granted and so ordered<sup>2</sup> on this date: December 4, 2008.**

  
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Douglas Semple

  
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Jacob Nunnemacher

  
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Brian Gale

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.